

SENATE RECORD VOTE ANALYSIS

106th Congress
1st Session

Vote No. 175

June 17, 1999, 5:26 p.m.
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STEEL AND OIL EMERGENCY LOANS/Glacier Bay Study

SUBJECT: Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act of 1999 ... H.R. 1664.
Stevens motion to table the Murkowski amendment No. 686.

ACTION: MOTION TO TABLE AGREED TO, 59-38

SYNOPSIS: As reported, H.R. 1664, the Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act of 1999, will authorize \$1 billion in Federal loan guarantee authority for loans to steel and iron ore companies and \$500 million in such authority for loans to oil and gas companies. The loans will be administered by the Loan Guarantee Board, which will be created by this Act. The Loan Guarantee Board will be comprised of the Secretary of Commerce (Chairman), the Secretary of Labor, and the Secretary of the Treasury. The bill will appropriate \$270 million for the cost of the guarantees and will offset the cost by rescinding the same amount from non-defense administrative and travel accounts, though spending will be designated as emergency spending and the spending caps will not be lowered to ensure that total Federal spending does not rise.

The Murkowski amendment would require an environmental impact study concerning subsistence fishing and gathering and commercial fishing in Glacier Bay National Park, Alaska. This 18-month study would be performed by the Secretary of the Interior and the Governor of Alaska. During the pendency of the study, and in the absence of a positive finding of a resource emergency that required the immediate halting of fishing and gathering, no action could be taken by the Secretary to restrict subsistence fishing and gathering or commercial fishing in the Park. This amendment would not apply to the closure of the Dungeness Crab fisheries under the terms of last year's Interior appropriations bill. (For related debate, see vote No. 56).

After debate, Senator Stevens moved to table the Murkowski amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

Earlier this year, on the supplemental bill, the Senate approved emergency loan guarantees for steel companies and for oil and

(See other side)

YEAS (59)			NAYS (38)			NOT VOTING (3)	
Republicans (18 or 34%)	Democrats (41 or 93%)		Republicans (35 or 66%)	Democrats (3 or 7%)		Republicans (2)	Democrats (1)
Abraham	Baucus	Kerrey	Allard	Helms	Akaka	McCain ⁻²	Dodd ⁻²
Brownback	Bayh	Kerry	Ashcroft	Hutchinson	Conrad	Santorum ⁻²	
Chafee	Biden	Kohl	Bennett	Hutchison	Landrieu		
Cochran	Bingaman	Lautenberg	Bond	Inhofe			
Collins	Boxer	Leahy	Bunning	Kyl			
DeWine	Breaux	Levin	Burns	Lott			
Domenici	Bryan	Lieberman	Campbell	Mack			
Gorton	Byrd	Lincoln	Coverdell	McConnell			
Gregg	Cleland	Mikulski	Craig	Murkowski			
Jeffords	Daschle	Moynihan	Crapo	Nickles			
Lugar	Dorgan	Murray	Enzi	Roth			
Roberts	Durbin	Reed	Fitzgerald	Smith, Bob			
Sessions	Edwards	Reid	Frist	Specter			
Shelby	Feingold	Robb	Gramm	Thomas			
Smith, Gordon	Feinstein	Rockefeller	Grams	Thompson			
Snowe	Graham	Sarbanes	Grassley	Thurmond			
Stevens	Harkin	Schumer	Hagel	Voinovich			
Warner	Hollings	Torricelli	Hatch				
	Inouye	Wellstone					
	Johnson	Wyden					
	Kennedy						

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

gas companies. It also approved an amendment to stop the Park Service from abusing its authority by conducting a campaign against Alaskans who fish and gather gull eggs in Glacier Bay, Alaska. Almost all of the Alaskans involved are Native Americans from tribes that have been fishing and gathering in Glacier Bay for thousands of years. We strongly supported the earlier amendment to stop the Park Service from abusing its authority, but we cannot support this amendment. House conferees on the supplemental bill opposed both the Glacier Bay amendment and the emergency loan provisions, and both were dropped. The emergency loan provisions were a much larger issue. For a time, it appeared as though the conference would fail because of the disagreement between the Senate and the House over the loan provisions. Finally, a compromise was brokered. That compromise required the approval of the leaders of both Houses. That approval was gained. Under the compromise, the loan provisions were dropped, but the House agreed that if the Senate considered appropriating loan funds on a free-standing bill, and, if it passed such a bill, then the House would guarantee that it would consider that bill immediately. It did not commit to considering a bill with non-germane issues attached. We therefore promised our colleagues who drafted the loan guarantee proposals that when we considered them on a free-standing bill, pursuant to this agreement, we would oppose any and all non-germane amendments. Thus, though we agree with the substance of this amendment, we have already given our word that we will oppose non-germane amendments, so we must vote in favor of the motion to table.

Those opposing the motion to table contended:

The Park Service suddenly and unilaterally decided that it would no longer allow fishing or subsistence gathering of gull eggs in Glacier Bay National Park. (Native Americans gather gull eggs for food, as they have for thousands of years; no other source of eggs is available). Why the Park Service came to this decision we do not know; it allows fishing, including commercial fishing, in other National Parks all over America. Also, though the gathering of eggs by Native Americans in park lands is not technically legal, the United States concluded a treaty 2 years ago with Canada to allow such gathering and has only failed to implement it because the Interior Department has not yet finished writing the required regulations. Other Federal agencies, in the meantime, are not enforcing the restriction. The Park Service did not bother to conduct any hearings or to question any of the hundreds of Native Americans who rely on fishing and subsistence gathering in the area on how its decision may affect them. It just issued its edict, and then sent out armed rangers to board fishing boats and to confiscate gull eggs. The State of Alaska was not pleased by this arrogant and uncaring treatment of the rights of Alaskan Native Americans. It also felt that it, not the Park Service, had the legal right to manage the water resources of the Park. Accordingly, it took the Park Service to court over the issue. That case is still pending.

We felt that fishing and subsistence gathering should be allowed until the case is settled. For that reason, we proposed an amendment to the emergency supplemental bill earlier this year to stop the Park Service from acting against fishing and gathering in Glacier Bay until the case was settled. The Senate voted for that amendment, but the House conferees on the bill refused to accept it. They were afraid that the fishing and gathering activities might be causing environmental harm by causing an unsustainable depletion of the Bay's resources. Though absolutely no evidence has ever been presented that the small amount of fishing and gathering that occurs causes any harm to the ecosystem of the bay, we agree that we ought to be sure. Therefore, in the pending amendment, we have modified our original proposal. This amendment would only stop the Park Service from running roughshod over Native Americans for a mere 18 months, during which time it would have to join the State of Alaska in assessing whether any harm would come from allowing fishing and gathering to continue in Glacier Bay as it has for thousands of years. We fully expect to have that report find that the small amount of fishing and gathering activity that takes place in this huge park does not cause any harm, but, if we are wrong, we will support restrictions.

The study could be paid for out of existing funds that the Park Service has collected from tourist boats that enter Glacier Bay, so no new funds would have to be appropriated. Further, if it turned out that no harm came from allowing fishing and gathering, or if the court decided in Alaska's favor, the end result would be that the hundreds of Alaskans who now rely on fishing in the Park would not end up unemployed and on Federal assistance. In other words, this amendment would not cost the United States taxpayers any money, and it could end up saving them having to pay for welfare assistance.

Still, in the larger picture, the costs and savings are really very minor. The Federal Government spends \$1.7 trillion per year, and most bills that Congress considers have large effects on tens of thousands, hundreds of thousands, or even millions of people. The bill before us is a case in point--tens of thousands of jobs in the steel industry and in the oil and gas industry are at risk, and all Americans are affected by the prices of the products of these industries. The issue addressed by the Murkowski amendment will affect only a few hundred Native Americans of modest means who are trying to eke out a living in Glacier Bay, Alaska.

For that reason we do not believe that the House will have any great objection to this amendment. House Members are not looking for an excuse to break their commitment to consider this bill; they will take it with this tiny Alaskan issue attached, especially because we have met the only objection they raised the last time we brought the issue up. Also, there is no doubt in our minds that it is appropriate to attach this amendment to an appropriations bill, because its purpose is to set parameters for certain appropriated funds. This amendment is of little consequence to most Americans, but it is immensely important for a few hundred Native Americans in Alaska who are being mistreated. We urge our colleagues to come to their defense by opposing the motion to table.